

1 RON BENDER (SBN 143364)
2 KRIKOR J. MESHEFEJIAN (SBN 255030)
3 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
4 10250 Constellation Blvd., Suite 1700
5 Los Angeles, CA 90067
6 Telephone: (310) 229-1234
7 Fax: (310) 229-1244
8 Email: rb@lnbyb.com kjm@lnbyb.com

9 Proposed Attorneys for Chapter 11 Debtor and Debtor in Possession

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FERNANDO VALLEY DIVISION**

In re
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORBY TV, LLC,

Debtor.

Case No. 1:21-bk-10428-MB

Chapter 11

**DEBTOR'S MOTION FOR ENTRY OF
AN ORDER: (1) ESTABLISHING
PROTOCOLS FOR PROVIDING
NOTICE OF BANKRUPTCY FILING
AND OTHER MATTERS TO
SUBSCRIBERS; (2) AUTHORIZING
DEBTOR TO REDACT CERTAIN
PERSONAL IDENTIFICATION
INFORMATION FOR SUBSCRIBERS;
(3) AUTHORIZING DEBTOR TO
INCLUDE IN ITS SCHEDULES OF
ASSETS AND LIABILITIES A
GENERAL STATEMENT
REGARDING POTENTIAL CLAIMS
OF SUBSCRIBERS; (4) LIMITING
NOTICE; AND (5) ESTABLISHING
BAR DATE FOR FILING PROOFS OF
CLAIM; MEMORANDUM OF POINTS
AND AUTHORITIES; DECLARATION
OF ALEXANDER IZZARD IN
SUPPORT**

[Application for Entry of an Order Shortening
Time Filed Concurrently Herewith]

1
2
3
TABLE OF CONTENTS
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I.	STATEMENT OF FACTS.....	4
A.	Background Information.	4
B.	The Debtor's Primary Assets And Liabilities.	4
C.	The Subscribers.	5
D.	The Debtor's Proposed Bar Date and Proposed Forms Of Notice.....	6
II.	JURISDICTION, VENUE AND PREDICATES FOR RELIEF	7
III.	DISCUSSION	8
A.	Subscribers' Personal Identification Information Should Be Kept Confidential Pursuant To Section 107(b) And (c) of the Bankruptcy Code.	8
1.	Subscribers' Information Constitutes Confidential Commercial Information.	8
2.	The Court Should Authorize The Debtor To Protect And Redact Certain Personal Identification Information For The Subscribers.	10
B.	The Court Should Limit Notice As Set Forth Herein And Establish Protocols For Providing To Subscribers Notice Of The Bankruptcy Case, The Meeting Of Creditors, The Deadline For Filing Proofs Of Claim, And The Hearing On A Motion To Reject Subscriber Agreements.	10
1.	The Court Should Generally Limit Notice.	10
2.	The Court Should Establish Protocols And Approve The Debtor's Proposed Notice To Subscribers	13
C.	The Court Should Establish A Deadline For Filing Proofs Of Claim.....	14
1.	Good Cause Exists For Establishing A Bar Date.	14
2.	Claimants Will Receive Adequate Notice of the Bar Date	14
IV.	CONCLUSION	15
	DECLARATION OF ALEXANDER IZZARD	17

1 TABLE OF AUTHORITIES

2 Page(s)

3 **Federal Cases**

4 <i>In re Global Crossing Ltd.</i> , 295 B.R. 720 (Bankr. S.D.N.Y. 2003)	9
5 <i>In re Nunn</i> , 49 B.R. 963 (Bankr. E.D. Va. 1985)	9
7 <i>In re The Frontier Group, LLC</i> , 256 B.R. 771 (Bankr. E.D. Tenn. 2000).....	9
9 <i>Video Software Dealers Ass'n v. Orion Pictures Corp. (In re Orion Pictures Corp.)</i> , 21 F.3d 24 (2d Cir. 1994)	8, 9

10 **Federal Statutes**

11 U.S.C.	
12 §§ 101, <i>et seq.</i> Title 11 Chapter 11.....	3, 4, 7, 14
13 § 107(c)(1)(A)	10
14 § 102(1)(A).....	10
15 §§ 102, 105(a), 107(c), 342(a), and 521	7
16 § 107(b)	8, 9
17 § 107(b) And (c)	8
18 § 107(c).....	10
19 § 341(a).....	5, 6
28 U.S.C.	
29 §§ 157 and 1334	7
30 § 157(b)	7
31 §§ 1408 and 1409	7

20 **Other Authorities**

21 Bankruptcy Rule 2002(i).....	11
22 Bankruptcy Rule 2002 (a)	11
23 Bankruptcy Rule 2002(m).....	10
24 Bankruptcy Rule 9007	11
25 Bankruptcy Rule 9018.....	9
26 Bankruptcy Rules 2002(i) and 2002(m).....	12
27 Bankruptcy Rules 2002, 4001, 6004, 6006, 6007	12
28 Federal Rule of Bankruptcy Procedure 3003(c)(3)	14
29 Federal Rules of Bankruptcy Procedure Rules 1007, 2002, 9007 and 9018.....	7
30 Federal Rules of Bankruptcy Procedure Rule 9018	8

1 ORBY TV, LLC (the “Debtor”), the debtor and debtor in possession in the above-captioned
2 bankruptcy case, hereby files this motion (“Motion”) for entry of an order:

3 1. Establishing protocols for providing a combined notice in the form attached as
4 Exhibit 1 to this Motion to its roughly 23,000 subscribers (the “Subscribers”) of: (a) this
5 bankruptcy case;¹ (b) the meeting of creditors under 11 U.S.C. 341(a); (c) the deadline for creditors
6 to file proofs of claim in this case;² and (d) the hearing on a motion to reject the Debtor’s
7 agreements with Subscribers;

8 2. Authorizing the Debtor to redact certain personal identification information for its
9 Subscribers from any and all filings, including, without limitation, creditor mailing lists, motions,
10 proofs of service, Schedules of Assets and Liabilities, the Statement of Financial Affairs, and any
11 other documents filed with the Court and/or submitted to the United States Trustee;³

12 3. Authorizing the Debtor to include in its Schedules of Assets and Liabilities a general
13 statement regarding potential claims of Subscribers (as opposed to requiring the Debtor to list each
14 Subscriber as a separate potential claimant which would mean that there would be roughly 23,000
15 Subscribers listed in the Debtor’s Schedules);⁴

16 4. Limiting notice in this case to (a) the Office of the United States Trustee, (b) the
17 twenty largest general unsecured creditors, and after and to the extent of the appointment of an
18 Official Committee of Unsecured Creditors (the “Committee”), counsel for the Committee; (c)
19 secured creditors and their counsel (to the extent there are creditors asserting secured claims in this
20

21 ¹ Due to the privacy and other concerns discussed in this Motion, the Debtor did not include the
22 roughly 23,000 Subscribers in the Master Mailing List of Creditors filed with the Petition in this
23 case [Docket No. 1] and the notice the Debtor proposes to provide as set forth in this Motion to
24 Subscribers will be the first and only notice Subscribers will be receiving from the Debtor regarding
the Debtor’s bankruptcy filing.

25 ² Concurrently herewith, the Debtor is filing a motion for the entry of an order establishing the
deadline for filing proofs of claim in this case.

26 ³ The Debtor will provide such information to the U.S. Trustee and the Court on request.

27 ⁴ The Debtor does not concede that any Subscriber is entitled to an allowed claim against the
Debtor, but the Debtor believes that it would be appropriate to provide to Subscribers notice of this
bankruptcy case, the meeting of creditors, and the deadline for filing proofs of claim given the
possibility that Subscribers may wish to assert claims against the Debtor.

1 case, which the Debtor does not believe to be the case); (d) parties who file with the Court and
2 serve on the Debtor's proposed bankruptcy counsel requests for special notice; and (e) any party
3 against whom direct relief is sought by motion, application or otherwise, including, by way of
4 example and without limitation, the non-debtor party to an executory contract being assumed or
5 rejected, non-debtor parties asserting interests in property being sold, and the like;

6 5. Establishing a deadline (the "Bar Date") for creditors to file proofs of claim in this
7 case, a deadline for the Debtor to provide notice of the Bar Date to creditors and the Subscribers,
8 and barring any party that fails to file a proof of claim with the Court by the Bar Date from
9 thereafter asserting a pre-petition claim against the Debtor or the Debtor's estate;

10 6. Approving the form of notice to Subscribers attached as Exhibit 1 hereto;

11 7. Approving the form of notice of the Bar Date to creditors other than Subscribers
12 attached as Exhibit 2 hereto; and

13 8. Granting such further relief as the Court deems just and proper.

14 Dated: March 18, 2021

LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.

16 By: /s/ Krikor J. Meshefjian

17 Ron Bender
Krikor J. Meshefjian
18 Proposed Counsel for Chapter 11 Debtor
and Debtor in Possession

19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

A. Background Information.

On March 14, 2021 (the “Petition Date”), the Debtor commenced this bankruptcy by filing a voluntary petition for relief under chapter 11 of title 11 of the United States Code §§ 101, *et seq.* (the “Bankruptcy Code”).⁵ Due to the privacy and other concerns discussed in this Motion, the Debtor did not include the roughly 23,000 Subscribers in the Master Mailing List of Creditors filed with the Petition in this case [Docket No. 1] and the notice the Debtor proposes to provide as set forth in this Motion to Subscribers will be the first and only notice Subscribers will be receiving from the Debtor regarding the Debtor’s bankruptcy filing. Since the Petition Date, the Debtor has operated its business and managed its affairs as a debtor in possession pursuant to Sections 1107 and 1108.

The Debtor was established in 2017 as a satellite television service to compete with competitors such as DirectTV and Dish Network.

The Debtor initially launched its service in three markets: Houston, Charlotte and St. Louis in January 2019. In March, 2019, the Debtor expanded nationally as planned.

Following this expansion, the Debtor's number of paying Subscribers grew and eventually peaked at roughly 23,000.

While the Debtor was able to raise certain additional funds, the Debtor ultimately ran out of money due to operating expenses and operating losses. The Debtor was unable to raise any additional funds and, therefore, was forced to shut down its business operations.

The purpose of this chapter 11 bankruptcy case is to continue and complete the wind down of the Debtor's business operations and to attempt to sell the Debtor's remaining business assets for the most money possible.

B. The Debtor's Primary Assets And Liabilities.

The Debtor's primary assets are comprised of cash (approximately \$460,000 as of the Petition Date), equipment and servers. The Debtor also possesses contact and other information of the

⁵ Unless otherwise stated, all Section references herein are to the Bankruptcy Code.

1 Subscribers which the Debtor believes may be valuable to competitors of the Debtor and parties
2 potentially interested in purchasing the Debtor's assets.

3 The Debtor is a party to a number of contracts with programmers/content providers, pursuant
4 to which the Debtor provided to its Subscribers access to television programming (such as, for
5 example, HBO, Starz, and Epix). Such programmers assert claims against the Debtor, and the Debtor
6 anticipates that such claims may include minimum guaranteed payments due to such programmers
7 under such agreements during the entire term of such agreements. Concurrently herewith, the Debtor
8 has filed a motion to reject such agreements.

9 The Debtor does not have secured debt, though a warehouse space provider may attempt to
10 assert a general warehouse lien against certain of the Debtor's satellite television equipment.

11 The Debtor estimates that the total amount of claims asserted against the Debtor is likely
12 between \$40 million - \$50 million.

13 **C. The Subscribers.**

14 The Debtor entered into agreements with its Subscribers pursuant to which Subscribers
15 received certain digital entertainment programming and services via satellite and over-the-air
16 broadcast transmission via authorized and Subscriber-purchased⁶ set top receivers or digital video
17 recorders and satellite dishes and antennae within the Debtor's coverage area.

18 The Debtor's agreements with Subscribers provide that the Debtor may terminate service to
19 Subscribers if, among other reasons, the Debtor discontinues service in a Subscriber's coverage area.
20 The Debtor was forced to shut down its operations and is no longer providing any service to any
21 Subscriber.

22 While the Debtor does not concede that Subscribers are entitled to allowed claims against the
23 Debtor, the Debtor acknowledges that it would be prudent to provide notice to Subscribers of: (1) this
24 bankruptcy case; (2) the meeting of creditors under section 341(a) of the Bankruptcy Code; (3) the
25 deadline for filing proofs of claim in this case; and (4) the hearing on a motion to reject the Debtor's
26 agreements with Subscribers.

27 ⁶ Less than one percent of Subscribers entered into equipment rental agreements with the Debtor.
28

1 The Debtor also disclosed to Subscribers in connection with offering its service to
2 Subscribers, a privacy policy. While the Debtor's privacy policy provides that it "may share
3 Customer Information with third parties to comply with legal requirements, in response to a legal
4 proceeding or in cases where the law allows, to protect our rights or property, including cases in
5 which we fight against identity theft or to investigate a billing fraud" and that it "does not sell
6 customers' personal information", the privacy policy also provides that "in most cases in which the
7 disclosure is made in accordance with a legal procedure, we will provide you with a prior notice of
8 said court order or court order so that you have the opportunity to challenge such order through a legal
9 proceeding or request" and the Debtor believes that it would be prudent, in balancing the privacy
10 interests of the Subscribers (in maintaining their privacy) as well as the interests of creditors and the
11 estate (in maintaining the potential value of the Debtor's Subscriber list), to maintain the
12 confidentiality of the Subscribers.

13 **D. The Debtor's Proposed Bar Date and Proposed Forms Of Notice.**

14 In order to administer this case and determine the total amount, number and types of claims
15 against the Debtor, the Debtor requests the Court to establish a deadline (the "Bar Date") for filing
16 proofs of claim in this case. The Debtor proposes to provide to creditors and the Subscribers forty-
17 five (45) days' notice of the Bar Date. The Bar Date will serve as the deadline by which parties
18 who wish to assert pre-petition claims against the Debtor and the Debtor's estate must file and serve
19 proofs of claim, or be forever barred from asserting such pre-petition claims against the Debtor or
20 the Debtor's estate.

21 By this Motion, the Debtor also requests that the Court approve two proposed forms of
22 notice. The first notice, attached as Exhibit 1 to the Declaration of Alexander Izzard
23 ("Declaration"), is the proposed form of notice the Debtor proposes to serve on all Subscribers,
24 informing them of: (1) the filing of this case; (2) the meeting of creditors under section 341(a) of
25 the Bankruptcy Code; (3) the Bar Date for filing proofs of claim; and (4) the hearing on a motion to
26 reject the Debtor's agreements with Subscribers.

1 The Debtor has also included the following statement on its website www.orbytv.com to
2 alert Subscribers and others of the Debtor's bankruptcy filing and the opportunity to file proofs of
3 claim:

4 We are sorry to announce that Orby TV has closed its doors, and the Orby TV
5 service has ended. It was an honor to serve you.

6 To provide you with an affordable satellite TV option going forward, we have
7 coordinated with DISH on a special offer for Orby TV customers. This includes a
8 monthly DISH programming package for \$52.99 (includes first receiver) and cost
9 to switch as low as \$100. For more information about this limited time offer,
please call DISH at 844-268-3304 and mention the offer code **ORBY** or
visit dish.com/orby.

10 On March 14, 2021, Orby TV filed a chapter 11 voluntary bankruptcy petition in
11 the United States Bankruptcy Court for the Central District of California, San
12 Fernando Valley Division, Case No. 1:21-bk-10428-MB. To the extent you
believe you have a claim against Orby TV, you may file a proof of claim with the
13 Bankruptcy Court electronically using the following link:
<https://www.cacb.uscourts.gov/epoc-electronic-proof-claim> or by mailing a proof
14 of claim form to the Bankruptcy Court (the proof of claim form and instructions
can be found on the Bankruptcy Court's website at
<https://www.cacb.uscourts.gov/forms>).

16 The second notice, attached as **Exhibit 2** to the Declaration, is the proposed form of notice
17 of the Bar Date which the Debtor proposes to serve on all creditors but not the Subscribers (who
18 will be receiving the notice attached as Exhibit 1 to the Declaration), which is the mandatory court
19 form F 3003-1.NOTICE.BARDATE.

20 **II. JURISDICTION, VENUE AND PREDICATES FOR RELIEF**

21 This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334. This is
22 a core proceeding under 28 U.S.C. §157(b). Venue of this chapter 11 case and this Motion is proper
23 in this District under 28 U.S.C. §§ 1408 and 1409.

24 The predicates for the relief requested by this Motion are sections 102, 105(a), 107(c), 342(a),
25 and 521 of the Bankruptcy Code, and Rules 1007, 2002, 9007 and 9018 of the Federal Rules of
26 Bankruptcy Procedure (the "Bankruptcy Rules").

III. DISCUSSION

A. Subscribers' Personal Identification Information Should Be Kept Confidential Pursuant To Section 107(b) And (c) of the Bankruptcy Code.

1. Subscribers' Information Constitutes Confidential Commercial Information.

Pursuant to section 107(b) and (c) of the Bankruptcy Code, the Court may authorize the Debtors to redact Subscriber information from all disclosures, applications, motions, schedules including the Schedules of Assets and Liabilities, Statement of Financial Affairs, creditor lists and matrices including the list of creditors holding twenty largest general unsecured claims, service lists and any other pleadings or papers (collectively, “Documents”) filed with the Court or submitted to the United States Trustee in this case.

Section 107(b) provides, in relevant part:

On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may –

(1) protect an entity with respect to a trade secret or confidential research, development, or commercial information[.]

Rule 9018 of the Federal Rules of Bankruptcy Procedure sets forth the procedure by which a party in interest may obtain a protective order authorizing the filing of redacted documents. Rule 9018 provides, in relevant part:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information....

Once the court determines that a party in interest is seeking protection of information that falls within one of the categories enumerated in section 107(b) of the Bankruptcy Code, “the court is required to protect a requesting interested party and has no discretion to deny the application.”

Video Software Dealers Ass'n v. Orion Pictures Corp. (In re Orion Pictures Corp.), 21 F.3d 24, 27 (2d Cir. 1994). Courts have held that protection under section 107(b) must be granted if the information sought to be protected is commercial information, and significantly, that commercial

1 information need not rise to the level of a trade secret to be entitled to protection. *Id.* at 28 (finding
2 that the use of the disjunctive in section 107(b)(1) “neither equates ‘trade secret’ with ‘commercial
3 information’ nor requires the latter to reflect the same level of confidentiality as the former”).
4 Rather, a party seeking the protection of section 107(b) need only demonstrate that the information
5 is “confidential” and “commercial” in nature. *Id.* at 27; *see also In re Global Crossing Ltd.*, 295
6 B.R. 720, 725 (Bankr. S.D.N.Y. 2003) (recognizing that the purpose of Bankruptcy Rule 9018 is to
7 “protect business entities from disclosure of information that could reasonably be expected to cause
8 the entity commercial injury”).

9 The Debtor submits that Subscribers’ personal identifying information constitutes
10 confidential commercial information that the Debtor should not be required to disclose. Such
11 information has potential value which should be preserved, and the Debtor’s own privacy policy
12 limits the manner in which it can be shared. Revealing the information of roughly 23,000
13 subscribers will be problematic, chaotic, and potentially lead to claims of privacy violations. *See* 11
14 U.S.C. § 107(b) (“. . . bankruptcy court shall . . . (1) protect an entity with respect to a trade secret
15 or confidential research, development, or ***commercial information***[.]”). *See In re Nunn*, 49 B.R.
16 963 (Bankr. E.D. Va. 1985) (customer list constitutes commercial information); *In re The Frontier*
17 *Group, LLC*, 256 B.R. 771 (Bankr. E.D. Tenn. 2000) (motion to seal creditor list granted where list
18 constituted asset of debtor’s estate). Similarly, here, the Debtor’s Subscribers were the Debtor’s
19 customers, and their contact information is a potential asset of the Debtor’s which could be
20 exploited by, and could provide an unfair advantage to, the Debtor’s competitors. While the Debtor
21 is not operating its business, a potential purchaser of the Debtor’s business is more likely to engage
22 in a sale transaction with the Debtor if it knows that the Debtor has not made Subscribers’
23 information available to potential competitors (even if the potential purchaser itself may be unable
24 to purchase the Subscribers’ information).⁷

25
26
27 ⁷ The Debtor does not concede that it is precluded from monetizing its Subscribers’ list pursuant to
11 U.S.C. 363(b)(1)(A) or (B).
28

1 **2. The Court Should Authorize The Debtor To Protect And Redact Certain Personal
2 Identification Information For The Subscribers.**

3 Section 107(c) of the Bankruptcy Code provides that this Court “for cause, may protect an
4 individual, with respect to the following types of information to the extent the court finds that
5 disclosure of such information would create undue risk of identity theft … [a]ny means of
6 identification … contained in a paper filed, or to be filed, in a case under” the Bankruptcy Code. 11
7 U.S.C. § 107(c)(1)(A). Cause exists to authorize the Debtor to redact Subscriber name and address
8 information. The inclusion of personal information, such as individual Subscribers’ names and
9 addresses, may expose individual Subscribers to risk of identity theft insofar as it links a particular
10 name to a particular company and situation, and to a particular address, and may otherwise create a
11 chaotic situation in light of the sheer number of Subscribers. The inclusion of such personal
12 information is also unnecessary as the Debtor proposes to provide it to U.S. Trustee and the Court
13 on request.

14 **B. The Court Should Limit Notice As Set Forth Herein And Establish Protocols For
15 Providing To Subscribers Notice Of The Bankruptcy Case, The Meeting Of Creditors,
16 The Deadline For Filing Proofs Of Claim, And The Hearing On A Motion To Reject
17 Subscriber Agreements.**

18 **1. The Court Should Generally Limit Notice.**

19 Section 102(1)(A) of the Bankruptcy Code defines the phrase “after notice and a hearing” to
20 mean:

21 “[A]fter such notice as is appropriate in the particular circumstances,
22 and such opportunity for a hearing as is appropriate in the particular
23 circumstances . . .”

24 11 U.S.C. § 102(1)(A).

25 Pursuant to this authority, the Bankruptcy Rules confer authority upon this Court to regulate
26 notice requirements. Bankruptcy Rule 2002(m), which gives the Court discretion to enter orders
27 regulating notice, provides:

1 "The court may from time to time enter orders designating the matters
2 in respect to which, the entity to whom, and the form and manner in
3 which notices shall be sent except as otherwise provided by these
4 rules."

5
6 The notice procedure outlined below comports with Bankruptcy Rule 2002(i) which
7 provides, in pertinent part:

8
9
10 "Copies of all notices required to be mailed pursuant to this rule shall
11 be mailed to the committees . . . appointed under § 1102 of the Code
12 or to their authorized agents. Notwithstanding the foregoing
13 subdivisions, the court may order that notices required by subdivision
14 (a)(2), (3) and (6) of this rule be transmitted to the United States
15 trustee and be mailed only to the committees . . . appointed under §
16 1102 of the Code or to their authorized agents and to the creditors and
17 equity security holders who serve on the trustee or debtor in
18 possession and file a request that all notices be mailed to them."

19 The use of the notice procedure outlined in Bankruptcy Rule 2002(i) is especially
20 appropriate in a case of this nature, where providing notice to each individual creditor and sending
21 notice via certified mail to certain creditors would be both burdensome and economically infeasible.

22 Bankruptcy Rule 2002 (a) provides in relevant part that:

23 (a) Twenty-One-Day Notices to Parties in Interest. Except as provided in
24 subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk, or some other
25 person as the court may direct, shall give the debtor, the trustee, all
26 creditors and indenture trustees at least 21 days' notice by mail of:

27

28 (2) a proposed use, sale, or lease of property of the estate other than in the
29 ordinary course of business, unless the court for cause shown shortens the
30 time or directs another method of giving notice;

31 (3) the hearing on approval of a compromise or settlement of a
32 controversy other than approval of an agreement pursuant to Rule
33 4001(d), unless the court for cause shown directs that notice not be sent;

34

35 (6) a hearing on any entity's request for compensation or reimbursement
36 of expenses if the request exceeds \$1,000;

37 Finally, Bankruptcy Rule 9007 grants the Court general authority to regulate notices:

1
2 “When notice is to be given under these rules, the court shall
3 designate, if not otherwise specified herein, the time within which,
4 the entities to whom, and the form and manner in which the notice
5 shall be give.”

6 The Debtor’s proposed notice procedures and protocol for Subscribers is well within the
7 Court’s authority to regulate notices and will mitigate the administrative burden that would
8 otherwise be imposed upon the estate without significantly diminishing creditor participation in the
9 administration of this case.

10 The mailing of notices of all such matters to all Subscribers would be impractical and would
11 impose a significant administrative and economic burden upon the Debtor’s estate. Accordingly, as
12 permitted by Bankruptcy Rules 2002(i) and 2002(m), the Debtor proposes that the Court enter an
13 order adopting the Debtor’s proposed protocols, limiting notice and designating the parties upon
14 whom notice must be served, and the manner of service with respect to all matters for which the
15 Bankruptcy Code and the Bankruptcy Rules authorize the Court to designate or limit the parties
16 entitled to notice and the manner of service, including, by way of example and without limitation,
17 matters subject to Bankruptcy Rules 2002, 4001, 6004, 6006, 6007 or 9014. Specifically, the
18 Debtor proposes that, with respect to all such matters, the Court issue an order that provides that
19 notice need be served only upon the following parties:

20 (1) The Office of the United States Trustee;
21 (2) the creditors holding 20 largest unsecured claims in this case or, when
22 appointed, counsel for the Official Committee of Unsecured Creditors;
23 (3) Secured creditors or their counsel of record (to the extent any exist);
24 (4) Parties requesting special notice; and
25 (5) Any party against whom direct relief is sought by motion, application or
26 otherwise, including, by way of example and without limitation, the non-
27 debtor party to an executory contract being assumed or rejected, parties
28 asserting interests in property being sold, and the like.

29 The Debtor believes that the adoption of the proposed procedures is necessary and
30 appropriate for at least four reasons. First, having to provide notice of all matters to all Subscribers
31 may divert the attention of staff and professionals from administering this bankruptcy case and
32 identifying and consummating a transaction before the Debtor’s estate exhausts its funds. Second,

1 there are roughly 23,000 Subscribers. The cost of copying and serving every notice in this case to
2 the Subscribers would substantially increase the copying and postage costs of this case, resulting in
3 less value being potentially available to the estate. This is why the Debtor is proposing serving
4 Subscribers with a combined notice of the bankruptcy filing, meeting of creditors and deadline for
5 filing proofs of claim, and limiting notice as set forth herein. To the extent a Subscriber does not
6 file a proof of claim, the Debtor will not treat such Subscriber as a creditor of this bankruptcy estate
7 and will provide (or not provide) notice accordingly. **Third**, any Subscriber or party in interest who
8 is sufficiently interested in the kinds of transactions that are the subject of the requested limitation
9 of notice may, by special request, receive all notices. **Fourth**, any party, including a Subscriber,
10 against whom direct relief is sought by motion, application or otherwise, will be afforded notice by
11 the Debtor as a matter of course.

12 The Debtor's requested relief will reduce the burden, complexity, delay, and cost to the
13 Debtor's estate associated with mailing notice of all pleadings and other papers filed in this case to
14 all Subscribers without significantly impacting participation in this case.

15 **2. The Court Should Establish Protocols And Approve The Debtor's Proposed Notice
16 To Subscribers**

17 In order to ensure that Subscribers receive notice of this bankruptcy case and the opportunity
18 to assert claims, if any, and participate in this case to the extent they are parties in interest, the Debtor
19 proposes to establish the following protocol:

20 1. The Debtor will redact the names and contact information of all Subscribers in any and
21 all Documents filed with the Court or submitted to the U.S. Trustee (provided, however, that such
22 information will be provided to the Court upon request under seal or on a confidential basis to the
23 U.S. Trustee)⁸;

24
25
26
27 ⁸ These protocols will not preclude a Subscriber from filing a proof of claim or any other Document
28 with his or her contact information included in such proof of claim or other Document.

1 2. The Debtor's counsel will maintain proofs of service of any and all Documents served
2 on the Subscribers but such proofs of service filed with the Court shall not include Subscribers'
3 information;

4 3. The Debtor shall provide notice to Subscribers in substantially the form attached as
5 Exhibit 1 to this Motion of: (a) the filing of this bankruptcy case; (b) the meeting of creditors under
6 11 U.S.C. 341(a); (c) the deadline for Subscribers to file proofs of claim in this case; (d) the hearing
7 on a motion to reject Subscriber agreements.

8 **C. The Court Should Establish A Deadline For Filing Proofs Of Claim.**

9 **1. Good Cause Exists For Establishing A Bar Date.**

10 Federal Rule of Bankruptcy Procedure 3003(c)(3) provides that in a chapter 11 bankruptcy
11 case:

12 “The court **shall** fix and for cause shown may extend the time within which
13 proofs of claim or interest may be filed. Notwithstanding the expiration of
14 such time, a proof of claim may be filed to the extent and under the
conditions stated in Rule 3002(c)(2), (c)93, and (c)(4).”

15 Fed. R. Bankr. Proc. 3003(c)(3) (emphasis added).

16 As set forth above, in order to properly administer this bankruptcy case, the Debtor must
17 ascertain the total amount, number and types of claims against the Debtor's estate. By establishing
18 the Bar Date for the filing of proofs of claim, the Court will enable the Debtor to quantify the full
19 amount of the Debtor's liabilities so that the Debtor may address such liabilities as required under
20 the Bankruptcy Code. Therefore, the Debtor respectfully requests that the Court enter an order
21 establishing a Bar Date, and that the Court prohibit the filing of late proofs of claim without a
22 further court order.

23 **2. Claimants Will Receive Adequate Notice of the Bar Date**

24 The Debtor's counsel has prepared a proposed form of notice of the Bar Date that the
25 Debtor will serve by first class mail on all creditors other than the Subscribers and a proposed form
26 of notice of the Bar Date and other matters that the Debtor will serve by first class mail on all
27 Subscribers. All potential claimants will receive forty-five (45) days' notice of the Bar Date.

IV. CONCLUSION

For the reasons set forth herein, the Debtor respectfully requests that the Court enter an order:

1. Granting this Motion;
2. Approving the proposed protocols and form of Notice attached as Exhibit 1 hereto
 viding notice to Subscribers of: (a) this bankruptcy case; (b) the meeting of creditors under
 .C. 341(a); and (c) the deadline for creditors to file proofs of claim in this case;

3. Authorizing the Debtor to redact certain personal identification information for its Subscribers from any and all Documents;⁹

4. Authorizing the Debtor to include in its Schedules of Assets and Liabilities a general statement regarding potential claims of Subscribers (as opposed to requiring the Debtor to list each Subscriber as a separate potential claimant which would mean that there would be roughly 23,000 Subscribers listed in the Debtor's Schedules);¹⁰

5. Limiting notice in this case to (a) the Office of the United States Trustee, (b) the twenty largest general unsecured creditors, and after and to the extent of the appointment of an Official Committee of Unsecured Creditors (the “Committee”), counsel for the Committee; (c) secured creditors and their counsel (to the extent there are creditors asserting secured claims in this case, which the Debtor does not believe to be the case); (d) parties who file with the Court and serve on the Debtor’s proposed bankruptcy counsel requests for special notice; and (e) any party against whom direct relief is sought by motion, application or otherwise, including, by way of example and without limitation, the non-debtor party to an executory contract being assumed or rejected, non-debtor parties asserting interests in property being sold, and the like;

6. Establishing a deadline (the “Bar Date”) for creditors to file proofs of claim in this case, a deadline for the Debtor to provide notice of the Bar Date to creditors and the Subscribers,

⁹ The Debtor will provide such information to the U.S. Trustee and the Court on request.

¹⁰ The Debtor does not concede that any Subscriber is entitled to an allowed claim against the Debtor, but the Debtor believes that it would be appropriate to provide to Subscribers notice of this bankruptcy case, the meeting of creditors, and the deadline for filing proofs of claim given the possibility that Subscribers may wish to assert claims against the Debtor.

1 and barring any party that fails to file a proof of claim with the Court by the Bar Date from
2 thereafter asserting a pre-petition claim against the Debtor or the Debtor's estate;

3 7. Approving the form of notice to Subscribers attached as Exhibit 1 hereto;

4 8. Approving the form of notice of the Bar Date to creditors other than Subscribers
5 attached as Exhibit 2 hereto; and

6 9. Granting such further relief as the Court deems just and proper.

7 Dated: March 18, 2021

LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.

8 9 By: /s/ Krikor J. Meshefjian

10 Ron Bender
11 Krikor J. Meshefjian
Proposed Counsel for Chapter 11 Debtor
12 and Debtor in Possession

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

DECLARATION OF ALEXANDER IZZARD

I, Alexander Izzard, hereby declare as follows:

1. I am the Chief Operating Officer (“COO”) of ORBY TV, LLC (the “Debtor”). I have served in such capacity since November 2017 and reported to the Chief Executive Officer (CEO) until March 12, 2021. I am also a director and membership interest holder of the Debtor. In my capacity as COO, I oversee, manage and/or have personal knowledge of virtually all aspects of the Debtor’s operations, including, without limitation, the Debtor’s financial affairs, the Debtor’s assets and liabilities, the Debtor’s creditors, customers, vendors, and expenses.

2. I have personal knowledge of the facts set forth in this Declaration and if called as a witness, could and would testify competently with respect thereto. Capitalized terms not otherwise defined have the same meaning given to such terms in the Motion.

3. The Debtor commenced this voluntary bankruptcy case on March 14, 2021. Due to the privacy and other concerns discussed in the Motion and this Declaration, the Debtor did not include the roughly 23,000 Subscribers in the Master Mailing List of Creditors filed with the Petition in this case [Docket No. 1] and the notice the Debtor proposes to provide as set forth in this Motion to Subscribers will be the first and only notice Subscribers will be receiving from the Debtor regarding the Debtor's bankruptcy filing.

4. The Debtor was established in 2017 as a satellite television service to compete with competitors such as DirectTV and Dish Network.

5. The Debtor initially launched its service in three markets: Houston, Charlotte and St. Louis in January 2019. In March, 2019, the Debtor expanded nationally as planned.

6. Following this expansion, the Debtor's number of paying Subscribers grew and eventually peaked at roughly 23,000.

7. While the Debtor was able to raise certain additional funds, the Debtor ultimately ran out of money due to operating expenses and operating losses. The Debtor was unable to raise any additional funds and, therefore, was forced to shut down its business operations.

1 8. The purpose of this chapter 11 bankruptcy case is to continue and complete the wind
2 down of the Debtor's business operations and to attempt to sell the Debtor's remaining business
3 assets for the most money possible.

4 9. The Debtor's primary assets are comprised of cash (approximately \$460,000 as of
5 the Petition Date), equipment and servers. The Debtor also possesses contact and other information
6 of the Subscribers which may be valuable to competitors of the Debtor and parties potentially
7 interested in purchasing the Debtor's assets.

8 10. The Debtor is a party to a number of contracts with programmers/content providers,
9 pursuant to which the Debtor provided to its Subscribers access to television programming (such as,
10 for example, HBO, Starz, and Epix). Such programmers assert claims against the Debtor, and the
11 Debtor anticipates that such claims may include minimum guaranteed payments due to such
12 programmers under such agreements during the entire term of such agreements. Concurrently
13 herewith, the Debtor has filed a motion to reject such agreements.

14 11. The Debtor does not have secured debt, though a warehouse space provider may
15 attempt to assert a general warehouse lien against certain of the Debtor's satellite television
16 equipment.

17 12. I estimate that the total amount of claims asserted against the Debtor is likely
18 between \$40 million - \$50 million.

19 13. The Debtor entered into agreements with its Subscribers pursuant to which
20 Subscribers received certain digital entertainment programming and services via satellite and over-
21 the-air broadcast transmission via authorized and Subscriber-purchased¹¹ set top receivers or digital
22 video recorders and satellite dishes and antennae within the Debtor's coverage area.

23 14. The Debtor's agreements with Subscribers provide that the Debtor may terminate
24 service to Subscribers if, among other reasons, the Debtor discontinues service in a Subscriber's
25 coverage area. The Debtor was forced to shut down its operations and is no longer providing any
26 service to any Subscriber.

27 11 Less than one percent of Subscribers entered into equipment rental agreements with the Debtor.
28

1 15. While the Debtor does not concede that Subscribers are entitled to allowed claims
2 against the Debtor, I believe it would be prudent to provide notice to Subscribers of: (1) this
3 bankruptcy case; (2) the meeting of creditors under section 341(a) of the Bankruptcy Code; (3) the
4 deadline for filing proofs of claim in this case; and (4) the hearing on a motion to reject
5 Subscribers' agreements.

6 16. The Debtor also disclosed to Subscribers in connection with offering its service to
7 Subscribers, a privacy policy. While the Debtor's privacy policy provides that it "may share
8 Customer Information with third parties to comply with legal requirements, in response to a legal
9 proceeding or in cases where the law allows, to protect our rights or property, including cases in
10 which we fight against identity theft or to investigate a billing fraud" and that it "does not sell
11 customers' personal information", the privacy policy also provides that "in most cases in which the
12 disclosure is made in accordance with a legal procedure, we will provide you with a prior notice of
13 said court order or court order so that you have the opportunity to challenge such order through a
14 legal proceeding or request" and the Debtor believes that it would be prudent, in balancing the
15 privacy interests of the Subscribers (in maintaining their privacy) as well as the interests of
16 creditors and the estate (in maintaining the potential value of the Debtor's Subscriber list), to
17 maintain the confidentiality of the Subscribers.

18 17. In order to administer this case and determine the total amount, number and types of
19 claims against the Debtor, the Debtor requests the Court to establish a deadline (the "Bar Date") for
20 filing proofs of claim in this case. The Debtor proposes to provide to creditors and the Subscribers
21 forty-five (45) days' notice of the Bar Date. The Bar Date will serve as the deadline by which
22 parties who wish to assert pre-petition claims against the Debtor and the Debtor's estate must file
23 and serve proofs of claim, or be forever barred from asserting such pre-petition claims against the
24 Debtor or the Debtor's estate.

25 18. The Debtor also requests that the Court approve two proposed forms of notice. The
26 first notice, attached as Exhibit 1 to this Declaration, is the proposed form of notice the Debtor
27 proposes to serve on all Subscribers, informing them of: (1) the filing of this case; (2) the meeting

1 of creditors under section 341(a) of the Bankruptcy Code; (3) the Bar Date for filing proofs of
2 claim; and (4) the hearing on a motion to reject the Debtor's agreements with Subscribers.

3 19. The Debtor has also included the following statement on its website
4 www.orbytv.com to alert Subscribers and others of the Debtor's bankruptcy filing and the
5 opportunity to file proofs of claim:

6 We are sorry to announce that Orby TV has closed its doors, and the Orby TV
7 service has ended. It was an honor to serve you.

8 To provide you with an affordable satellite TV option going forward, we have
9 coordinated with DISH on a special offer for Orby TV customers. This includes a
10 monthly DISH programming package for \$52.99 (includes first receiver) and cost
11 to switch as low as \$100. For more information about this limited time offer,
please call DISH at 844-268-3304 and mention the offer code **ORBY** or
visit dish.com/orby.

12 On March 14, 2021, Orby TV filed a chapter 11 voluntary bankruptcy petition in
13 the United States Bankruptcy Court for the Central District of California, San
Fernando Valley Division, Case No. 1:21-bk-10428-MB. To the extent you
14 believe you have a claim against Orby TV, you may file a proof of claim with the
Bankruptcy Court electronically using the following link:
<https://www.cacb.uscourts.gov/epoc-electronic-proof-claim> or by mailing a proof
15 of claim form to the Bankruptcy Court (the proof of claim form and instructions
16 can be found on the Bankruptcy Court's website at
<https://www.cacb.uscourts.gov/forms>).
17

18 20. The second notice, attached as **Exhibit 2** to this Declaration, is the proposed form of
19 notice of the Bar Date which the Debtor proposes to serve on all creditors but not the Subscribers
(who will be receiving the notice attached as Exhibit 1 to this Declaration).

21 21. The Subscribers' personal identifying information constitutes confidential
22 commercial information that the Debtor should not be required to disclose. Such information has
23 potential value which should be preserved, and the Debtor's own privacy policy limits the manner
24 in which it can be shared. Revealing the information of roughly 23,000 subscribers will be
25 problematic, chaotic, and potentially lead to claims of privacy violations.

26 22. The Debtor's Subscribers were the Debtor's customers, and their contact information
27 is a potential asset of the Debtor's which could be exploited by, and could provide an unfair
28

1 advantage to, the Debtor's competitors. While the Debtor is not operating its business, a potential
2 purchaser of the Debtor's business is more likely to engage in a sale transaction with the Debtor if it
3 knows that the Debtor has not made Subscribers' information available to potential competitors
4 (even if the potential purchaser itself may be unable to purchase the Subscribers' information).

5 23. Additionally, the inclusion of personal information, such as individual Subscribers'
6 names and addresses, may expose individual Subscribers to risk of identity theft insofar as it links a
7 particular name to a particular company and situation, and to a particular address, and may
8 otherwise create a chaotic situation in light of the sheer number of Subscribers. The inclusion of
9 such personal information is also unnecessary as the Debtor proposes to provide it to U.S. Trustee
10 and the Court on request.

11 24. The Debtor's proposed notice procedures and protocol for Subscribers will mitigate
12 the administrative burden that would otherwise be imposed upon the estate without significantly
13 diminishing creditor participation in the administration of this case.

14 25. The mailing of notices of all such matters to all Subscribers would be impractical
15 and would impose a significant administrative and economic burden upon the Debtor's estate.

16 26. The Debtor believes that the adoption of the proposed procedures is necessary and
17 appropriate for at least four reasons. First, having to provide notice of all matters to all Subscribers
18 may divert the attention of staff and professionals from administering this bankruptcy case and
19 identifying and consummating a transaction before the Debtor's estate exhausts its funds. Second,
20 there are roughly 23,000 Subscribers. The cost of copying and serving every notice in this case to
21 the Subscribers would substantially increase the copying and postage costs of this case, resulting in
22 less value being potentially available to the estate. This is why the Debtor is proposing serving
23 Subscribers with a combined notice of the bankruptcy filing, meeting of creditors and deadline for
24 filing proofs of claim, and limiting notice as set forth herein. To the extent a Subscriber does not
25 file a proof of claim, the Debtor will not treat such Subscriber as a creditor of this bankruptcy estate
26 and will provide (or not provide) notice accordingly. Third, any Subscriber or party in interest who
27 is sufficiently interested in the kinds of transactions that are the subject of the requested limitation

1 of notice may, by special request, receive all notices. Fourth, any party, including a Subscriber,
2 against whom direct relief is sought by motion, application or otherwise, will be afforded notice by
3 the Debtor as a matter of course.

4 27. In order to ensure that Subscribers receive notice of this bankruptcy case and the
5 opportunity to assert claims, if any, and participate in this case to the extent they are parties in
6 interest, the Debtor proposes to establish the following protocol:

7 a. The Debtor will redact the names and contact information of all Subscribers in any
8 and all Documents filed with the Court or submitted to the U.S. Trustee (provided,
9 however, that such information will be provided to the Court upon request under
10 seal or on a confidential basis to the U.S. Trustee);

11 b. The Debtor's counsel will maintain proofs of service of any and all Documents
12 served on the Subscribers but such proofs of service filed with the Court shall not
13 include Subscribers' information;

14 c. The Debtor shall provide notice to Subscribers in substantially the form attached as
15 Exhibit 1 to this Declaration.

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my
17 knowledge. Executed this 18th day of March, 2021 at At County, California.



ALEXANDER IZZARD

EXHIBIT "1"

1 RON BENDER (SBN 143364)
2 KRIKOR J. MESHEFEJIAN (SBN 255030)
3 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
4 10250 Constellation Blvd., Suite 1700
5 Los Angeles, CA 90067
6 Telephone: (310) 229-1234
7 Fax: (310) 229-1244
8 Email: rb@lnbyb.com kjm@lnbyb.com

9 Proposed Attorneys for Chapter 11 Debtor and Debtor in Possession

10
11
12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SAN FERNANDO VALLEY DIVISION**

15 In re

16 ORBY TV, LLC,

17 Debtor.

18 Case No. 1:21-bk-10428-MB

19 Chapter 11

20 **NOTICE TO SUBSCRIBERS OF ORBY**
21 **TV, LLC OF:**

22
23
24
25
26
27
28

29 (1) **CHAPTER 11 BANKRUPTCY**
30 **FILING OF ORBY TV, LLC;**

31 (2) **MEETING OF CREDITORS;**

32 (3) **DEADLINE TO FILE PROOFS**
33 **OF CLAIM; AND**

34 (4) **HEARING ON ORBY TV, LLC'S**
35 **MOTION FOR AN ORDER**
36 **AUTHORIZING ORBY TV, LLC**
37 **TO REJECT AGREEMENTS**
38 **WITH SUBSCRIBERS**

39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
5510
5511
5512
5513
5514
5515
5516
5517
5518
5519
5520
5521
5522
5523
5524
5525
5526
5527
5528
5529
5530
5531
5532
5533
5534
5535
5536
5537
5538
5539
55310
55311
55312
55313
55314
55315
55316
55317
55318
55319
55320
55321
55322
55323
55324
55325
55326
55327
55328
55329
55330
55331
55332
55333
55334
55335
55336
55337
55338
55339
55340
55341
55342
55343
55344
55345
55346
55347
55348
55349
55350
55351
55352
55353
55354
55355
55356
55357
55358
55359
55360
55361
55362
55363
55364
55365
55366
55367
55368
55369
55370
55371
55372
55373
55374
55375
55376
55377
55378
55379
55380
55381
55382
55383
55384
55385
55386
55387
55388
55389
55390
55391
55392
55393
55394
55395
55396
55397
55398
55399
553100
553101
553102
553103
553104
553105
553106
553107
553108
553109
553110
553111
553112
553113
553114
553115
553116
553117
553118
553119
553120
553121
553122
553123
553124
553125
553126
553127
553128
553129
553130
553131
553132
553133
553134
553135
553136
553137
553138
553139
553140
553141
553142
553143
553144
553145
553146
553147
553148
553149
553150
553151
553152
553153
553154
553155
553156
553157
553158
553159
553160
553161
553162
553163
553164
553165
553166
553167
553168
553169
553170
553171
553172
553173
553174
553175
553176
553177
553178
553179
553180
553181
553182
553183
553184
553185
553186
553187
553188
553189
553190
553191
553192
553193
553194
553195
553196
553197
553198
553199
553200
553201
553202
553203
553204
553205
553206
553207
553208
553209
553210
553211
553212
553213
553214
553215
553216
553217
553218
553219
553220
553221
553222
553223
553224
553225
553226
553227
553228
553229
553230
553231
553232
553233
553234
553235
553236
553237
553238
553239
553240
553241
553242
553243
553244
553245
553246
553247
553248
553249
553250
553251
553252
553253
553254
553255
553256
553257
553258
553259
553260
553261
553262
553263
553264
553265
553266
553267
553268
553269
553270
553271
553272
553273
553274
553275
553276
553277
553278
553279
553280
553281
553282
553283
553284
553285
553286
553287
553288
553289
553290
553291
553292
553293
553294
553295
553296
553297
553298
553299
553300
553301
553302
553303
553304
553305
553306
553307
553308
553309
553310
553311
553312
553313
553314
553315
553316
553317
553318
553319
553320
553321
553322
553323
553324
553325
553326
553327
553328
553329
553330
553331
553332
553333
553334
553335
553336
553337
553338
553339
5533310
5533311
5533312
5533313
5533314
5533315
5533316
5533317
5533318
5533319
55333100
55333101
55333102
55333103
55333104
55333105
55333106
55333107
55333108
55333109
55333110
55333111
55333112
55333113
55333114
55333115
55333116
55333117
55333118
55333119
553331100
553331101
553331102
553331103
553331104
553331105
553331106
553331107
553331108
553331109
553331110
553331111
553331112
553331113
553331114
553331115
553331116
553331117
553331118
553331119
5533311100
5533311101
5533311102
5533311103
5533311104
5533311105
5533311106
5533311107
5533311108
5533311109
5533311110
5533311111
5533311112
5533311113
5533311114
5533311115
5533311116
5533311117
5533311118
5533311119
55333111100
55333111101
55333111102
55333111103
55333111104
55333111105
55333111106
55333111107
55333111108
55333111109
55333111110
55333111111
55333111112
55333111113
55333111114
55333111115
55333111116
55333111117
55333111118
55333111119
553331111100
553331111101
553331111102
553331111103
553331111104
553331111105
553331111106
553331111107
553331111108
553331111109
553331111110
553331111111
553331111112
553331111113
553331111114
553331111115
553331111116
553331111117
553331111118
553331111119
5533311111100
5533311111101
5533311111102
5533311111103
5533311111104
5533311111105
5533311111106
5533311111107
5533311111108
5533311111109
5533311111110
5533311111111
5533311111112
5533311111113
5533311111114
5533311111115
5533311111116
5533311111117
5533311111118
5533311111119
55333111111100
55333111111101
55333111111102
55333111111103
55333111111104
55333111111105
55333111111106
55333111111107
55333111111108
55333111111109
55333111111110
55333111111111
55333111111112
55333111111113
55333111111114
55333111111115
55333111111116
55333111111117
55333111111118
55333111111119
553331111111100
553331111111101
553331111111102
553331111111103
553331111111104
553331111111105
553331111111106
553331111111107
553331111111108
553331111111109
553331111111110
553331111111111
553331111111112
553331111111113
553331111111114
553331111111115
553331111111116
553331111111117
553331111111118
553331111111119
5533311111111100
5533311111111101
5533311111111102
5533311111111103
5533311111111104
5533311111111105
5533311111111106
5533311111111107
5533311111111108
5533311111111109
5533311111111110
5533311111111111
5533311111111112
5533311111111113
5533311111111114
5533311111111115
5533311111111116
5533311111111117
5533311111111118
5533311111111119
55333111111111100
55333111111111101
55333111111111102
55333111111111103
55333111111111104
55333111111111105
55333111111111106
55333111111111107
55333111111111108
55333111111111109
55333111111111110
55333111111111111
55333111111111112
55333111111111113
55333111111111114
55333111111111115
55333111111111116
55333111111111117
55333111111111118
55333111111111119
553331111111111100
553331111111111101
553331111111111102
553331111111111103
553331111111111104
553331111111111105
553331111111111106
553331111111111107
553331111111111108
553331111111111109
553331111111111110
553331111111111111
553331111111111112
553331111111111113
553331111111111114
553331111111111115
553331111111111116
553331111111111117
553331111111111118
553331111111111119
5533311111111111100
5533311111111111101
5533311111111111102
5533311111111111103
5533311111111111104
5533311111111111105
5533311111111111106
5533311111111111107
5533311111111111108
5533311111111111109
5533311111111111110
5533311111111111111
5533311111111111112
5533311111111111113
5533311111111111114
5533311111111111115
5533311111111111116
5533311111111111117
5533311111111111118
5533311111111111119
55333111111111111100
55333111111111111101
55333111111111111102
55333111111111111103
55333111111111111104
55333111111111111105
55333111111111111106
55333111111111111107
55333111111111111108
55333111111111111109
55333111111111111110
55333111111111111111
55333111111111111112
55333111111111111113
55333111111111111114
55333111111111111115
55333111111111111116
55333111111111111117
55333111111111111118
55333111111111111119
553331111111111111100
553331111111111111101
553331111111111111102
553331111111111111103
553331111111111111104
553331111111111111105
553331111111111111106
553331111111111111107
553331111111111111108
553331111111111111109
553331111111111111110
553331111111111111111
553331111111111111112
553331111111111111113
553331111111111111114
553331111111111111115
553331111111111111116
553331111111111111117
553331111111111111118
553331111111111111119
5533311111111111111100
5533311111111111111101
5533311111111111111102
5533311111111111111103
5533311111111111111104
5533311111111111111105
5533311111111111111106
5533311111111111111107
5533311111111111111108
5533311111111111111109
5533311111111111111110
5533311111111111111111
5533311111111111111112
5533311111111111111113
5533311111111111111114
5533311111111111111115
5533311111111111111116
5533311111111111111117
55

NOTICE OF ORBY TV'S BANKRUPTCY FILING

PLEASE TAKE NOTICE that, on March 14, 2021, Orby TV filed a voluntary petition under chapter 11 of the United States Bankruptcy Code. The case is pending in the United States Bankruptcy Court for the Central District of California, San Fernando Valley Division, and was assigned case number 1:21-bk-10428-MB to the Honorable Martin R. Barash, United States Bankruptcy Judge.

PLEASE TAKE FURTHER NOTICE that, if you would like to view the bankruptcy petition filed by Orby TV and other documents filed in the bankruptcy case, they are available through the Bankruptcy Court's website www.cacb.uscourts.gov or at the Clerk's Office, 21041 Burbank Boulevard, Woodland Hills, CA 91367-66603. You should consult the Bankruptcy Court's website to determine whether the Bankruptcy Court is physically open to the public prior to attempting to visit the Bankruptcy Court.

NOTICE OF MEETING OF CREDITORS

PLEASE TAKE NOTICE that a meeting of creditors has been scheduled in this case by the Office of the United States Trustee, on **April 22, 2021 at 3:30 p.m. (Pacific Time)**. A representative of Orby TV will attend the meeting to be questioned under oath by the U.S. Trustee and creditors. Creditors may attend, but are not required to do so. The meeting will be conducted telephonically, as follows:

**TELEPHONIC MEETING, CONFERENCE LINE: 1-866-820-9498
PARTICIPANT CODE: 6468388**

NOTICE OF DEADLINE FOR CREDITORS TO FILE PROOFS OF CLAIM

1. Bar Date. The Court has set a deadline of _____ (“Bar Date”), for creditors in Orby TV’s bankruptcy case to file proofs of claim against Orby TV’s bankruptcy estate. ON OR BEFORE THE BAR DATE, PROOFS OF CLAIM MUST BE FILED WITH THE COURT CLERK AT: 21041 Burbank Boulevard, Woodland Hills, CA 91367.
2. Form. You may obtain a Proof of Claim form (Official Form 410) on the Bankruptcy Court’s website at <http://www.cacb.uscourts.gov>, or visit the Intake area at any division of the Court.
3. Exceptions to the Bar Date. Exceptions to the Bar Date include, but are not limited to, the following:
 - (a) Executory contracts/unexpired leases. For claims arising from rejection of any executory contract or unexpired lease, the last day to file a Proof of Claim is the later of (a) the Bar Date or (b) 30 days after the date of entry of an order authorizing the rejection of such contract or lease or after any automatic rejection of such contract or lease. *See* 11 U.S.C. §§ 365(d)(4) and 502(g).
 - (b) Avoidance. For claims arising from the avoidance of a transfer under chapter 5

1 of the Bankruptcy Code (11 U.S.C. § 544 and following), the last day to file a
2 Proof of Claim is the later of (a) the Bar Date or (b) 30 days after the entry of
judgment avoiding the transfer. *See* 11 U.S.C. § 502(h).

3 4. **11 U.S.C. § 503(b)(9) Claims.** Claims arising from unpaid goods received by the Debtor
in the ordinary course of business within 20 days prepetition are subject to an
5 administrative expense priority pursuant to 11 U.S.C. §§ 507(a) and 503(b)(9). Any
6 creditor who wishes to assert such a claim must file a Proof of Claim by the Bar date,
modified as follows: *Section 12 of Proof of Claim. Identify:* (i) the goods for which the
7 Debtor has not paid; (ii) the method(s) of shipment; (iii) the actual date(s) when those
8 goods were *received* by the Debtor (or state that an estimated date has been used); (iv)
the place of delivery – *e.g.*, “computers shipped via U.S. Mail, received by the Debtor at
9 the Debtor’s warehouse on [insert estimated date]” (use a continuation sheet if
necessary); and (v) the box for “Other” priority and specify that priority is under 11
U.S.C. §§ 507(a)(2) **and** 503(b)(9).

10 **FAILURE OF A CREDITOR TO FILE A PROOF OF CLAIM ON OR BEFORE THE
11 DEADLINE MAY RESULT IN DISALLOWANCE OF THE CLAIM OR
12 SUBORDINATION UNDER THE TERMS OF A PLAN OF REORGANIZATION
13 WITHOUT FURTHER NOTICE OR HEARING. 11 U.S.C. § 502(b)(9). CREDITORS MAY
WISH TO CONSULT AN ATTORNEY TO PROTECT THEIR RIGHTS.**

14 **NOTICE OF HEARING ON ORBY TV’S MOTION FOR AN ORDER AUTHORIZING
THE REJECTION OF ORBY TV’S AGREEMENTS WITH SUBSCRIBERS**

15 **PLEASE TAKE NOTICE** that, on _____, 2021, at _____, the Court will hold a
16 hearing to consider the motion (“Subscriber Agreement Rejection Motion”) filed by Orby TV for an
17 order authorizing Orby TV to reject, effective as of March 14, 2021, any and all of its agreements
18 with Subscribers (to the extent such agreements constitute unexpired, not already terminated,
executory contracts), pursuant to 11 U.S.C. § 365(a).

19 **PLEASE TAKE FURTHER NOTICE** that any opposition to the Subscriber Agreement
20 Rejection Motion must be filed with the Bankruptcy Court and served on proposed counsel to Orby
21 TV (whose contact information appears on the top left hand corner of the first page of this Notice),
no later than fourteen (14) days prior to the hearing on the Motion.

22 **PLEASE TAKE FURTHER NOTICE** that the failure of a party in interest to file and serve
a timely objection to the Subscriber Agreement Rejection Motion may be deemed by the Bankruptcy
23 Court to constitute such party’s consent to all of the relief requested by Orby TV in the Subscriber
24 Agreement Rejection Motion.

25 **PLEASE TAKE FURTHER NOTICE** that, notwithstanding any language in this Notice
advising or suggesting that the above-referenced hearing on the Subscriber Agreement Rejection
Motion will be held physically in the Bankruptcy Court’s courtroom, **please be advised that due to
the COVID-19 pandemic, the Court will conduct the hearing remotely, using ZoomGov audio
and video technology.** Individuals will not be permitted access to the courtroom. Information on
26 how to participate in the hearings remotely using ZoomGov is provided below. Hearing participants
27
28

1 and members of the public may participate in and/or observe the hearings using ZoomGov, free of
2 charge.

3 Individuals may connect by ZoomGov audio and video using a personal computer (equipped
4 with camera, microphone and speaker), or a handheld mobile device with an integrated camera,
5 microphone and speaker (such as an iPhone, iPad, Android phone or Android tablet). The
6 connection can be initiated by entering the "Meeting URL" into a web browser on any of these
7 devices, provided the device is connected to the Internet. Individuals connecting in this manner
8 will be prompted for the Meeting ID and Password shown below.

9 Individuals also may connect to the hearings by telephone only, using the telephone number
10 provided below. Individuals connecting in this manner also will be prompted for the Meeting ID
11 and Password.

12 Neither a Zoom nor a ZoomGov account is necessary to participate in or observe the
13 hearings, and no pre-registration is required.

14 The audio portion of the hearings will be recorded electronically by the Court and constitute
15 its official record.

16 All persons are strictly prohibited from making any other recording of court proceedings,
17 whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the
18 imposition of monetary and non-monetary sanctions.

19 The following is the unique ZoomGov connection information for the above-referenced
20 hearings:

21 Meeting URL: <https://cacb.zoomgov.com/j/> _____

22 Meeting ID: _____

23 Password: _____

24 Telephone: **1 (669) 254 5252 or 1 (646) 828 7666**

25 More information on using ZoomGov to participate in these hearings is available on the Court's
26 website at the following web address: <https://www.cacb.uscourts.gov/news/zoom-video-hearing-guide-participants>.

27 Dated: March __, 2021

28 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.

29 By: _____

30 Ron Bender

31 Krikor J. Meshefjian

32 Proposed Counsel for Chapter 11 Debtor
33 and Debtor in Possession

EXHIBIT "2"

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>RON BENDER (SBN 143364) KRIKOR J. MESHEFEJIAN (SBN 255030) LEVENE, NEALE, BENDER, YOO & BRILL L.L.P. 10250 Constellation Boulevard, Suite 1700 Los Angeles, California 90067 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: rb@lnbyb.com; kjm@lnbyb.com</p> <p><input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Orby TV, LLC</i></p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION</p>	
<p>In re: ORBY TV, LLC,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 1:21-bk-10428-MB CHAPTER: 11</p> <p style="text-align: center;">NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM IN A CHAPTER 11 CASE [LBR 3003-1]</p> <p><input type="checkbox"/> No hearing: LBR 9013-1(q) <input checked="" type="checkbox"/> Hearing information</p> <p>DATE: TIME: COURTROOM: ADDRESS:</p>

1. **Bar Date.** The court has set a deadline of (date) _____, 20____ (Bar Date), for creditors in the above-referenced case to file proofs of claim against the Debtor's estate. ON OR BEFORE THE BAR DATE, PROOFS OF CLAIM MUST BE FILED WITH THE COURT CLERK AT:
 255 East Temple Street, Los Angeles, CA 90012 411 West Fourth Street, Santa Ana, CA 92701
 21041 Burbank Boulevard, Woodland Hills, CA 91367 1415 State Street, Santa Barbara, CA 93101
 3420 Twelfth Street, Riverside, CA 92501
2. **Form.** You may obtain a Proof of Claim form (Official Form 410) on the Bankruptcy Court's web site at <http://www.cacb.uscourts.gov>, or visit the Intake area at any division of the Court.
3. **Exceptions to the Bar Date.** Exceptions to the Bar Date include, but are not limited to, the following:
 - (a) **Executory contracts/unexpired leases.** For claims arising from rejection of any executory contract or unexpired lease, the last day to file a Proof of Claim is the later of (a) the Bar Date or (b) 30 days after the date of entry of an order authorizing the rejection of such contract or lease or after any automatic rejection of such contract or lease. See 11 U.S.C. §§ 365(d)(4) and 502(g).

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

(b) Governmental units. For claims of governmental units, the last day to file a Proof of Claim is the later of (a) the Bar Date or (b) before 180 days after the date of the Order for Relief in this case (the person signing this form has determined that the Order for Relief was entered on (date) 03/14/2021, and therefore calculates that this deadline is (date) 09/10/2021). See 11 U.S.C. §§ 101(27) and 502(b)(9).

(c) Avoidance. For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code (11 U.S.C. § 544 and following), the last day to file a Proof of Claim is the later of (a) the Bar Date or (b) 30 days after the entry of judgment avoiding the transfer. See 11 U.S.C. § 502(h).

(d) Agreed claims. If your claim is listed on the Debtor's official bankruptcy schedules of assets and liabilities (Schedules) and it is not listed as disputed, contingent, unliquidated or unknown, then your claim is deemed filed in the amount set forth in those Schedules. 11 U.S.C. § 1111(a). But, if your claim is not listed on the Schedules, or is listed as disputed, contingent, unliquidated or unknown, or if you disagree with the amount or description of your claim (e.g., its description as unsecured or non-priority), then you must timely file a Proof of Claim as set forth in this Notice.

4. 11 U.S.C. § 503(b)(9) Claims. Claims arising from unpaid goods received by the Debtor in the ordinary course of business within 20 days prepetition are subject to an administrative expense priority pursuant to 11 U.S.C. §§ 507(a)(2) and 503(b)(9). Any creditor who wishes to assert such a claim must file a Proof of Claim by the Bar Date, modified as follows: *Section 12 of Proof of Claim. Identify:* (i) the goods for which the Debtor has not paid; (ii) the method(s) of shipment; (iii) the actual date(s) when those goods were *received* by the Debtor (or state that an estimated date has been used); (iv) the place of delivery – e.g., “computers shipped via U.S. mail, received by the Debtor at the Debtor’s warehouse on [insert estimated date]” (use a continuation sheet if necessary); and (v) the box for “Other” priority and specify that priority is under **11 U.S.C. §§ 507(a)(2) and 503(b)(9)**.

5. Interest Holders. If the Debtor or the chapter 11 trustee believes it necessary to set a bar date for interest holders (e.g., holders of common or preferred stock), then, before this Notice is served, the chambers of the presiding judge in this case must be contacted for further instructions.

FAILURE OF A CREDITOR TO FILE A PROOF OF CLAIM ON OR BEFORE THE DEADLINE MAY RESULT IN DISALLOWANCE OF THE CLAIM OR SUBORDINATION UNDER THE TERMS OF A PLAN OF REORGANIZATION WITHOUT FURTHER NOTICE OR HEARING. 11 U.S.C. § 502(b)(9). CREDITORS MAY WISH TO CONSULT AN ATTORNEY TO PROTECT THEIR RIGHTS.

Date: _____

By: /s/ Krikor J. Meshefesian

Signature of Debtor, chapter 11 trustee, or their attorney

Name: Levene, Neale, Bender, Yoo & Brill L.L.P.

Printed name of Debtor, chapter 11 trustee, or their attorney

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM IN A CHAPTER 11 CASE [LBR 3003-1]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90017.

A true and correct copy of the foregoing document entitled

DEBTOR'S MOTION FOR ENTRY OF AN ORDER: (1) ESTABLISHING PROTOCOLS FOR PROVIDING NOTICE OF BANKRUPTCY FILING AND OTHER MATTERS TO SUBSCRIBERS; (2) AUTHORIZING DEBTOR TO REDACT CERTAIN PERSONAL IDENTIFICATION INFORMATION FOR SUBSCRIBERS; (3) AUTHORIZING DEBTOR TO INCLUDE IN ITS SCHEDULES OF ASSETS AND LIABILITIES A GENERAL STATEMENT REGARDING POTENTIAL CLAIMS OF SUBSCRIBERS; (4) LIMITING NOTICE; AND (5) ESTABLISHING BAR DATE FOR FILING PROOFS OF CLAIM; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ALEXANDER IZZARD IN SUPPORT

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 18, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Ron Bender rb@lnbyb.com
- Russell Clementson russell.clementson@usdoj.gov
- Krikor J Meshefesian kjm@lnbyb.com
- United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **March 18, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 18, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 18, 2021

Date

Lourdes Cruz

Printed Name

/s/ Lourdes Cruz

Signature